

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following comments is respectfully requested.

Claims 1-22 are presently active in this case and stand rejected under 35 USC §102(b) as being anticipated by the Swales et al article (Reference U of record).

Applicants' respectfully traverse the outstanding rejection because in Applicants' view, the applied prior art clearly does not anticipate the claimed invention.

In particular, Swales et al does not disclose several distinctive features of Applicants' invention stated in e.g., Claim 1, i.e., "detecting means for detecting a communication amount of data transmitted or received with each of the beams" and "controlling means for controlling a direction and width of each of the beams corresponding to the detected communication amount." As described at column 3, lines 57-60 of Applicants' disclosure, "[t]he communication amount can be obtained corresponding to for example the number of terminals that are communicating for each sector and the number of channels in operation."

Swales et al shows a "source estimation processor" working as a "direction finding processor" (see Fig. 13). However, the "source estimation processor" does not detect a "communication amount," it only finds the direction (or location) of mobiles (see page 65 right column line 8 - page 66 left column line 1, and Fig. 13). Indeed, the "source estimation processor" does not detect "a communication amount of data transmitted or received with each of the beams," because the finding of the direction of mobiles by "source estimation processor" does not relate to each of the beams formed by the beamformer of Swales et al.

Swales et al show a "beamformer" (see Fig. 13). The "beamformer," however, does not work as "controlling means for controlling a direction and width of each of the beams corresponding to the detected communication amount," because the "beamformer" does not form beams corresponding to "communication amount." The "beamformer" does not receive

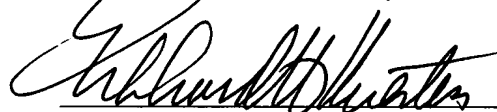
information of "communication amount," it receives only "mobile location data" (see Fig. 13).

On the contrary, as disclosed in the Swales et al abstract, Swales et al are directed to "an antenna array capable of resolving the angular distribution of the mobile user as seen at the base-station site, and then using this information to direct beams toward either lone mobiles, or grouping of mobiles, for both transmit and receive modes of operation. The energy associated with each mobile is thus confined within the addressed volume ...." Thus, it appears that Swales et al merely determine location(s) of mobiles, and direct energy in the direction of the mobile(s), and do not disclose to determine the communication amount and/or to control a direction and width of each of the beams corresponding to the detected communication amount. Accordingly, it is respectfully submitted that Swales et al do not anticipate the claimed invention and that the outstanding rejection is traversed.

Since no further issues are believed to be outstanding in this application, in view of the above comments, the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Registration No. 28,870

Customer Number  
**22850**